

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-110381
	:	TRIAL NO. B-1005936
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
VERONICA HUGHES,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Pursuant to a plea agreement, defendant-appellant Veronica Hughes pleaded guilty to one count of felonious assault. In exchange, the state dismissed an aggravated burglary charge. The trial court sentenced Hughes to six years in prison. Hughes now appeals, raising three assignments of error.

In her first and second assignments of error, Hughes argues that the trial court erred in accepting her guilty plea when she was incompetent to enter it; and that her counsel rendered ineffective assistance by permitting her to enter a guilty plea while she was incompetent.

A criminal defendant cannot be tried or enter a guilty plea while incompetent. *See State v. Berry*, 72 Ohio St.3d 354, 359, 1995-Ohio-310, 650 N.E.2d 433; *State v. Were*, 118 Ohio St.3d 448, 2008-Ohio-2762, 890 N.E.2d 263, ¶ 45; *Godinez v. Moran*, 509 U.S. 389, 401, fn. 12, 113 S.Ct. 2680, 125 L.Ed.2d 321 (1993). A defendant is incompetent to stand trial when she is incapable of understanding the nature and objective of the proceedings against her, or if she is unable to assist in her

own defense. *See, e.g.*, R.C. 2945.37. In Ohio, “amnesia alone is not sufficient to render the accused incompetent to stand trial.” *State v. Brooks*, 25 Ohio St.3d 144, 151, 495 N.E.2d 407 (1986). Furthermore, the Ohio Supreme Court has rejected the notion that “an accused possesses the ability to assist in her defense only if she is able to remember the circumstances of the crime with which she is charged.” *Id.*

Hughes claims that she has no memory of the incident in question and that the record shows that she was not competent to stand trial or enter a plea. She further claims that her counsel rendered ineffective assistance by permitting her to enter a guilty plea while she was incompetent. But the record belies her assertions.

Both Hughes’s counsel and the trial court did everything necessary to determine that Hughes was in fact competent to enter a plea. Hughes’s counsel filed a motion suggesting mental incompetency, and later filed a motion for Hughes to be evaluated for a possible not guilty by reason of insanity plea. Both times, the trial court referred Hughes for an evaluation to the court clinic. The evaluations in both instances determined that Hughes was indeed competent to stand trial. In addition, when the plea was entered, the trial court carefully went over Hughes’s rights and the court was satisfied that Hughes understood the proceedings. Consequently, we cannot conclude that the trial court erred in allowing Hughes to plead guilty. Nor can we conclude that her counsel was ineffective for allowing the same. As a result, we overrule her first and second assignments of error.

In her third assignment of error, Hughes argues that the trial court abused its discretion by failing to consider the sentencing factors set forth in R.C. 2929.12. We disagree.

Here, the trial court actually stated on the record at Hughes’s sentencing hearing, that it had considered all the purposes and principles of felony sentencing. The record shows that the trial court weighed the mitigating factors against the severity of Hughes’s crime and found that a prison term was appropriate.

Consequently, we cannot conclude that the trial court abused its discretion in sentencing her to a six-year prison term. See *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124. We, therefore, overrule her third assignment of error and affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**SUNDERMANN, P.J., HENDON and CUNNINGHAM, JJ.**

To the clerk:

Enter upon the journal of the court on February 10, 2012  
per order of the court \_\_\_\_\_.  
Presiding Judge